

Appl. No. 10/034,907
Amendment Dated November 25, 2003
Reply to Office Action of August 26, 2003

REMARKS/ARGUMENTS

Responsive to the Office Action Applicants have cancelled Claims 1-10 and 17.

Claim 11 remains in this application in independent form and currently amended. Claims 12 and 13 are currently amended and remain dependent on Claim 11. Claims 14 and 15 remain in the application as originally filed and depend from Claim 11 and Claim 14, respectively.

Claim 16 remains in the application as currently amended with Claims 18 and 19 also currently amended and remaining dependent on Claim 16. Reconsideration for allowance of Claims 11 through 16, 18 and 19 as presented with this amendment is respectfully solicited for the cogent reasons set forth hereinbelow.

In the Office Action the Examiner rejected Claims 12, 13 and 17 through 19 under 35 U.S.C. 112. The amendments to Claims 11 and 16 together with the amendments to Claims 12 and 13 and 18 and 19 are believed to overcome the rejection under 35 U.S.C. 112. In particular, with regard to Claims 11 and 16, these claims now recite groups of warp threads and weft threads. Claims 12, 13, 18 and 19 have been amended to recite that the groups of such threads comprise three threads disposed adjacent one another between the openings in the fabric, respectively. Claims 12, 13, 18 and 19 are believed to particularly point out and distinctly claim the subject matter which Applicants regard as their invention in accordance with the requirements of 35 U.S.C. 112.

In the Office Action, the Examiner rejected Claims 11 through 19 under 35 U.S.C. 103(a) as being unpatentable over the teaching of U.S. Patent 6,037,280 to Edwards et al. in view of U.S. Patent 6,268,450 to Wade and further in view of U.S. Patent 5,503,917 to Hughes. Claim 11 has been amended to recite a light transmitting window covering panel formed of a fabric comprising staple fiber acrylic yarn woven in groups of warp threads and groups of weft threads wherein the fiber content of the yarn is about 100 percent pigmented acrylonitrile polymer in a weave density to provide openings between groups of warp

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threads and groups of weft threads of about 0.03 inches to 0.25 inches such as to provide human visual perception through the panel while blocking the transmission of ultraviolet (UV) light through the panel in the A category wavelength in a range of about 69 percent to 76 percent and in the B category wavelength in a range of about 74 percent to 78 percent. In at least the respects noted above, Claim 11 is believed to distinguish clearly over the prior art of record in this application including the Edwards et al, Wade and Hughes references taken alone or in combination.

Certain light transmitting window covering panels, commonly known as sheers, must meet rigorous qualifications. For example, the panels must admit a certain amount of light while also providing for privacy of the space behind the panel and while further providing for human visual perception through the panel, that is, a person in a room having a window covered by the panel should be able to see through the panel. Provision of a window covering panel capable of transmitting light while blocking the transmission therethrough of undesirable ultraviolet light and while also providing visual perception therethrough is accomplished by the subject matter of Claim 11 in a manner which is not believed to be obvious to one of ordinary skill in the art. By providing fabric formed of a yarn having about 100 percent pigmented acrylonitrile polymer which is woven in groups of warp threads and groups of weft threads and wherein openings are provided between the groups of threads in a range of about 0.03 inches to 0.25 inches while providing the UV blocking capability set forth in the Claim is believed to be a patentably distinct combination.

Looking at the prior art cited in rejecting Claims 11 through 19, the Edwards et al. reference is directed to a UV blocking fabric which is provided with UV blocking particles. However, Edwards et al. is not directed to a window covering panel and does not teach the combination of elements set forth in amended Claim 11. Edwards et al. does not provide 100 percent pigmented acrylonitrile polymer yarn woven in groups of warp threads and groups of weft threads and having the size

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range of openings between such groups of threads as provided by Claim 11 and also having the light blocking and light transmissivity characteristics as set forth in the Claim. Breatheability is not a requirement of a window covering panel in accordance with Applicant's invention although UV light blocking, while also providing for human visual perception therethrough, is a requirement. Applicants have discovered that a light transmitting window covering panel having the weave configuration set forth in Claim 11 provides substantial UV blocking capability while also providing for human visual perception through the panel. Neither the Edwards et al., nor the Wade nor the Hughes references disclose or suggest this combination of structure in a window covering panel.

With regard to the teaching of Wade, this reference discloses an acrylic fiber polymer precursor for use in outdoor applications, such as awnings and patio furniture coverings. However, Wade is not concerned with providing a window covering panel having both the light transmissivity and UV light blocking characteristics required in amended Claim 11.

With respect to the teaching of Hughes, this reference discloses nylon fabrics for clothing, primarily, wherein various yarn counts were tested for UV light transmissivity. However, Hughes does not disclose or suggest the provision of a 100 percent pigmented acrylonitrile polymer having a weave density and a grouping of warp threads and weft threads arranged such as to provide a range of opening sizes, as required by Claim 11 while still providing for UV light blockage and human visual perception through the fabric, as also required by Claim 11. Accordingly, the references cited in rejecting Claims 11 through 19 under 35 U.S.C. 103(a) are not believed to make obvious the overall combination of features set forth in Claim 11 and the Claims dependent thereon. Reconsideration for allowance of Claim 11 together with dependent Claims 12 through 15 is respectfully solicited.

With regard to the rejection of Claim 16, this claim has been amended generally along the lines of the amendments to Claim 11. Claims 18 and 19 have also been amended generally

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along the lines of the amendments to Claims 12 and 13. Claims 16, 18 and 19 are thus believed to be patentably distinct with respect to the teaching of Edwards et al. Wade and Hughes at least for the reasons set forth above in support of the patentability of Claims 11, 12 and 13, respectively and reconsideration for allowance of Claims 16, 18 and 19 is also respectfully solicited.

In the Office Action, the Examiner also rejected Claims 11 through 19 under 35 U.S.C. 103(a) as being unpatentable over the teaching of U.S. Patent 4,861,651 to Goldenhersh in view of the Wade reference. Goldenhersh discloses a UV blocking material comprising a woven fabric which may be formed of natural or synthetic materials, but a fabric formed of about 100 percent pigmented acrylonitrile polymer is not disclosed nor suggested by Goldenhersh. Moreover, Goldenhersh is concerned primarily with the provision of a UV blocking, breathable fabric having a coating at least partially disposed in the apertures formed between the fabric threads. The light transmitting window covering panels set forth in Applicant's amended Claims 11 and 16 do not require a fabric wherein a coating material is at least partially disposed in apertures formed between the fabric threads. Goldenhersh fails to disclose or suggest the provision of a light transmitting window covering panel formed of a yarn being about 100 percent pigmented acrylonitrile polymer woven in groups of warp threads and groups of weft threads to provide openings in the range required by Claims 11 and 16 and also providing human visual perception through the panel while blocking the transmission of UV light in the category A wavelength and category B wavelength, as set forth in these claims.

Applicant's respectfully submit that the overall combination of features set forth in amended Claims 11 and 16 involves more than routine skill in the art of window covering panels. None of the references specifically address the problems associated with window covering panels nor do the references of record in this application disclose or suggest the overall combination of features required by Claims 11 and 16 and

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the claims dependent thereon, respectively. Accordingly, reconsideration for allowance of Claims 11 through 16, 18 and 19 as now presented is respectfully solicited.

Applicants have made a diligent effort to advance the prosecution of this application by canceling claims, by amending claims to clearly distinguish over the prior art and by pointing out with particularity herein how the claims now presented distinguish in a patentable sense. An early Notice of Allowance of Claims 11 through 16, 18 and 19 as now presented is respectfully solicited.

Respectfully submitted,

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